

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN

JOHN LOFFREDO ET AL,

Plaintiffs,

v

Case No. 2:10-cv-14181-JAC-VMM  
Hon. Julian A. Cook  
Magistrate Judge Virginia M. Morgan

DAIMLER AG, a foreign corporation,  
STATE STREET BANK AND TRUST COMPANY,  
a Massachusetts Trust Company,  
THOMAS LASORDA, an individual,  
JOHN DOE and MARY ROE, individuals,

Defendants.

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**PLAINTIFFS' EX PARTE MOTION TO FILE A REPLY BRIEF IN FURTHER  
SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT IN  
EXCESS OF FIVE PAGES PURSUANT TO E.D. MICH. LR 7.1(c)(3)(A)**

Plaintiffs, John Loffredo et al (“Plaintiffs”), by and through their attorneys, Morganroth & Morganroth, PLLC and Sheldon Miller & Associates, P.C. hereby move for an order granting Plaintiffs leave to file a Reply Brief in Further Support of Plaintiffs’ Motion for Leave to Amend Complaint in excess of five pages pursuant to E.D. Mich. LR 7.1(c)(3)(A), and state as follows:

1. Plaintiffs seek leave to file single consolidated Reply Brief in Further Support of Plaintiffs’ Motion for Leave to Amend Complaint of 10 total pages.

2. Defendants, Daimler AG (“Daimler”), State Street Bank and Trust Company (“State Street”), and Thomas LaSorda (“LaSorda”) (collectively, “Defendants”), have each filed separate briefs in opposition to Plaintiffs’ Motion for Leave. **Docket Nos. 61-63.**

3. Defendants have raised a number of legal arguments, and have incorporated some of each other’s arguments by reference.

4. Plaintiffs have attempted to respond to Defendants’ briefs in the fewest number of pages as possible, however, it appears that an extra five pages of text is necessary in order to enable Plaintiffs to fully address the arguments raised by Defendants in their separately filed briefs.

5. Plaintiffs believe that the extra five pages will allow Plaintiffs to efficiently present their responses to Defendants’ arguments to the Court in a single consolidated brief (as opposed to filing replies to each of Defendants’ separate briefs in opposition), and will also assist the Court in its consideration of Plaintiff’s Motion for Leave to Amend.

6. A copy of Plaintiffs’ proposed consolidated Brief in Opposition to Defendants’ Motions to Dismiss is attached hereto as **Exhibit A.**

7. A proposed order granting Plaintiffs leave to file a single consolidated Reply Brief in Further Support of Plaintiffs’ Motion for Leave to Amend Complaint of 10 total pages is

attached hereto as **Exhibit B**.

WHEREFORE Plaintiffs respectfully request that this Court GRANT the instant Motion, and enter an order granting Plaintiffs leave to file a single consolidated Reply Brief in Further Support of Plaintiffs' Motion for Leave to Amend Complaint of 10 total pages.

Respectfully submitted,

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Dated: April 5, 2013

UNITED STATES DISTRICT COURT FOR THE  
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**BRIEF IN SUPPORT OF PLAINTIFFS' EX PARTE MOTION TO  
FILE A REPLY BRIEF IN FURTHER SUPPORT OF PLAINTIFFS'  
MOTION FOR LEAVE TO AMEND COMPLAINT IN EXCESS OF  
FIVE PAGES PURSUANT TO E.D. MICH. LR 7.1(c)(3)(A)**

**QUESTION PRESENTED**

- I. WHETHER PLAINTIFFS SHOULD BE GRANTED LEAVE TO FILE A SINGLE CONSOLIDATED REPLY BRIEF IN RESPONSE TO DEFENDANTS' THREE SEPARATELY FILED BRIEFS IN OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO AMEND IN EXCESS OF THE FIVE PAGE LIMIT SET FORTH BY LOCAL RULE 7.1(d)(3)(B).

**TABLE OF MOST CONTROLLING AUTHORITY**

1. E.D. Mich. L.R. 7.1(d)(3)(A) and (B).



**ARGUMENT**

Local Rule 7.1(d)(3)(A) provides that “[t]he text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 20 pages. A person seeking to file a longer brief may apply ex parte in writing setting forth the reasons.”

Local Rule 7.1(d)(3)(B) provides that “the text of a reply brief, including footnotes and signatures, may not exceed 5 pages.”

In support of Plaintiffs’ Ex Parte Motion for Leave to Amend Complaint in Excess of Five Pages Pursuant to E.D. Mich. LR 7.1(c)(3)(A), Plaintiffs rely upon and incorporate herein by reference, the reasons and arguments set forth in the accompanying Motion.

**CONCLUSION**

For all of the foregoing reasons, Plaintiffs respectfully request that this Court GRANT the instant Motion, and enter an order granting Plaintiffs leave to file a single consolidated Reply Brief in Further Support of Plaintiffs’ Motion for Leave to Amend Complaint of 10 total pages.

Respectfully submitted,

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Dated: April 5, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2013, I have filed the foregoing Ex Parte Motion to File a Reply Brief in Further Support of Plaintiffs' Motion for Leave to Amend Complaint in Excess of Five Pages Pursuant to E.D. Mich. LR 7.1(c)(3)(A) and corresponding Brief in Support electronically with the Clerk of the Court using the ECF system which will send electronic notification of such filing to all counsel of record.

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